



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FTI/167469

PRELIMINARY RECITALS

Pursuant to a petition filed July 22, 2015, under Wis. Stat. § 49.85(4), and Wis. Admin. Code §§ HA 3.03(1), (3), to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a hearing was scheduled for October 13, 2015, at Madison, Wisconsin.

No issue remains for determination because the Department has agreed to rescind the tax intercept action against the petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Public Assistance Collection Unit
PO Box 8938
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

DISCUSSION

Petitioner (CARES # [REDACTED]) filed this appeal because he was assigned liability for an overpayment of FS benefits, and was informed of a pending or potential tax intercept action. Petitioner maintained that

he was a victim of identity theft, and did not reside in Wisconsin during the alleged overpayment period. He was able to provide documentation verifying this fact.

Respondent subsequently confirmed the petitioner's claims. On September 29, 2015, respondent wrote that:

Upon receipt of police reports verifying [REDACTED] [REDACTED] had his identity stolen, OIG has determined [REDACTED] no longer liable for the overpayment claims that he filed the fair hearing against (case number 167469).

[REDACTED] has been removed from the claims and will no longer receive overpayment notices from the state. I have confirmed with the state's collection unit that we did not intercept [REDACTED] [REDACTED] taxes; he was only sent notices that the interception was a possibility, so no reimbursement is needed.

I did call [REDACTED] this today and explained that we corrected the case. She was very happy.

I believe this case can now be closed. Please let me know if you need me to do anything further.

I thus will dismiss the appeal because the matter was resolved without need for a hearing.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 13th day of October, 2015

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 13, 2015.

Public Assistance Collection Unit
Public Assistance Collection Unit